

COPY

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

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SEP 6 2002

Illinois Commerce Commission  
RAIL SAFETY SECTION

The City of Galena, Jo Daviess County, )  
Illinois, a municipal corporation, )  
 )  
Petitioner, )  
 )  
vs. ) T02-0064  
 )  
Chicago, Central & Pacific Railroad )  
Company and The Burlington Northern )  
and Santa Fe Railway Company, )  
 )  
Respondents. )  
  
Petition for approval of the acquisition )  
of real estate in Jo Daviess County by )  
exercising the power of eminent domain. )

**MOTION FOR CONTINUANCE**

NOW COMES Petitioner, CITY OF GALENA, by and through its attorneys, Hammer, Simon & Jensen by Philip F. Jensen, and in support of its Motion for a Continuance, states as follows:

1. The above-entitled matter is currently scheduled before the Honorable June B. Tate, Administrative Law Judge, on September 4, 2002 at 9:30 a.m.
  - (a) The City of Galena filed an amended Petition with exhibits on August 28, 2002.
  - (b) Attorney Michael J. Barron, Jr. on behalf of Chicago, Central & Pacific Railroad Company/Canada National has not had adequate time to review the pleadings and adequately respond to it.
  - (c) Attorney Michael L. Sazdanoff on behalf of The Burlington Northern and Santa Fe Railway Company has not had adequate time to review the pleadings and adequately respond to it.
2. This request for a continuance has been discussed with said opposing counsel and all counsel are in agreement and wish to request that this matter be continued.
3. There has been one prior continuance in this case.
4. A continuance will enable all of the parties to make a good faith effort to resolve this case without the need for a contested hearing.

DOCKETED

No. T02-0064

**WHEREFORE**, Petitioner, CITY OF GALENA, respectfully requests that this matter be continued until October 1, 2, 3 or 4, 2002.

**CITY OF GALENA, Jo Daviess County  
a municipal corporation, Petitioner**

BY:

  
Philip F. Jensen, Its Attorney

Philip F. Jensen, #6189013  
HAMMER, SIMON & JENSEN  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on August 27, 2002

By: ☒ U.S. Mail ☒ FAX  
☐ Hand Delivered ☐ Overnight Courier  
☐ Certified Mail ☐ Other:

Signature Karen Jensen

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**NOTICE OF FILING**

TO: See attached Service List (all via Facsimile & U.S. Mail)

PLEASE TAKE NOTICE that we have on this 29<sup>th</sup> day of August, 2002, mailed for filing with the Illinois Commerce Commission, the City of Galena's Motion for Continuance in the above-referenced matter, a copy of which is hereby served upon you.

**CITY OF GALENA, Jo Daviess County,  
Illinois, Petitioner**

BY: 

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## **SERVICE LIST**

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